



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Consider Adoption of Resolution Affirming July 1 Opening and October 1 Closing Date for Filing Applications for Residential Allocations Under the Lodi Growth Management Ordinance, and Direct Staff to work with the Development Community to Establish a New Timeline for Council Approval of Various Elements of Development Approvals.

MEETING DATE: July 19, 2006 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council adopt Resolution affirming July 1 Opening and October 1 Closing Date for Filing Applications for Residential Allocations under the Lodi Growth Management Ordinance.

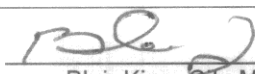
BACKGROUND INFORMATION: The Lodi City Council established the opening and closing dates for Growth Management Allocation Applications in 1991 through Resolution 91-171 (Exhibit A). Resolution 91-171 provides that applications may not be filed until July 1 of each year, and that the application period closes on October 1 of each year. Subsequent to the passage of Resolution 91-171, former City staff working with the development community, established a new timeline for filing growth management applications, moving the closing date up to May 31. This new process was never codified in a new Council resolution, instead being imposed solely at the staff level upon staff authority. However, staff has no authority to contravene the express will of the Council as codified in a Resolution without seeking Council authority.

One could argue that such authority was later granted by Council through the passage of the 2003 Housing Element Update. The Housing Element update states:

A constraint unique to Lodi is that development plans may only be submitted during the month of May, the deadline for obtaining a housing unit allocation under the City's growth management process. If the deadline is missed, projects have to wait another year before submitting applications and the review process can begin again. The City could mitigate this constraint by providing a process whereby allocations would be approved at least semi-annually or quarterly during years when the number of allocations that can be granted are not exhausted in May. . . .For developers knowledgeable of the City's residential permit allocation process, the annual process (once per year in May) does not present a serious time constraint or delay because such developers plan their applications submittals to the City to account for the timing of the allocation, and the development plan review occurs as part of the allocation process (2003 Housing Element Update P.III-34 to 35 - marked as Exhibit B).

However, the affirmation of this change was not explicitly brought to the Council's attention, instead being presented as the established policy. For this reason, staff felt it important to bring the question back to Council for a final resolution.

APPROVED:


Blair King, City Manager

Resolution 91-171 also sets a number of other follow-up deadlines to the growth management allocation process. However, the follow-up dates are not established in writing or in any remaining oral history of the Community Development Department for the Staff Policy. Nor are any of these follow-up dates reflected in the 2003 Housing Element Update.

	<u>Resolution No. 91-171</u>	<u>Staff Policy</u>
Determination of Completeness of Application	November 1	?
Initial Study under California Environmental Quality Act (CEQA)	December 1	?
Complete Draft Environmental Impact Report, (EIR) if required	March 1	?
Environmental Impact Report (EIR) Public Comment Close	April 15	?
Final Environmental Impact Report (EIR)	May 1	?

None of the above timetables are workable where an EIR is required (which is the case with two of the projects currently being processed by staff). Staff has been informed by outside consultants that the minimum time frame for a draft EIR is six months and more likely nine months. Moreover, the 15 days provided before bringing the EIR to Council for certification does not provide adequate time to analyze and respond to public comment or bring the EIR to Planning Commission for a recommendation. As such a new process is needed.

Accordingly, staff recommends that the Council affirm the timelines set forth in Resolution No. 91-171 and direct staff to work with the development community to establish a new timeline for Council approval. This change would not be a significant change to our housing element or affect its certification negatively because it is a one-time change that will not slow the annual allotment of housing other than in one year.

FISCAL IMPACT:

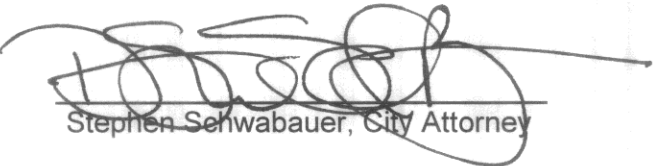

Stephen Schwabauer, City Attorney

EXHIBIT A

RESOLUTION NO. 91-171

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A RESOLUTION OF THE LODI CITY COUNCIL ESTABLISHING GUIDELINES, CONTENTS, AND TIME FRAMES OF AND FOR DEVELOPMENT PLANS

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WHEREAS, Ordinance No. 1521, adopted by the City Council on September 18, 1991 provides that a "Development Plan" shall be submitted for all tentative maps, parcel maps and other approvals under the Subdivision Map Act; and

WHEREAS, Ordinance No. 1521 further provides that the format and contents of such development plans shall be established by Council resolution;

NOW, THEREFORE, BE IT RESOLVED, by the City Council that the following shall apply to Development Plans:

A. Development Plan: Contents.

A development plan shall include:

1. A map showing any street system and/or lot design proposed within the development. Any area proposed to be dedicated or reserved for parks, open-space conservation, playgrounds, school sites, public buildings, churches and other such uses must be shown. Compliance with this requirement shall not be construed to relieve the applicant from compliance with City and State Subdivision regulations or any other applicable local or state laws.

2. A map showing the location of all trees over nine (9) inches in diameter with an indication of removal or incorporation into project design.
3. If required by the Community Development Department, a map showing the topography (with contour lines at one-foot intervals) shall be provided by the applicant. The map shall indicate the proposed elevations at the project boundaries and adjacent waterways;
4. The applicant shall provide a land-use plan for the proposed development indicating the areas to be used for the various purposes; a land-use map showing existing uses within the development and uses (including agricultural uses) within five hundred feet of the proposed development;
5. A plot plan for each building site or sites, except single-family residents on standard lots in the proposed development or any other portion thereof as required by the Community Development Department. A plot plan shall show the approximate location of all proposed buildings, indicate maximum and minimum distances between buildings and between buildings and property or building site lines;
6. Any or all of the following plans and diagrams may also be required to be included on the plot plan or appended thereto:
 - (a) Off-street parking and loading plan.

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- (b) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the development and to and from adjacent public thoroughfares.
- 7. Elevations or perspective drawings of all proposed structures, except single-family residences and their accessory buildings. Such drawings need not be the result of final architectural decisions and need not be in detail. The purpose of such drawings is to indicate within stated limits the height of proposed buildings and the general appearance of the proposed structures to the end that the entire development will have architectural unity and be in harmony with the surrounding developments;
- 8. Engineering data as described in the City of Lodi Public Improvement Design Standards.

B. Development Schedule.

- 1. An application shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date when construction of the project can be expected to begin, the anticipated rate of development and the completion date. The development schedule, if approved, shall become a part of the development plan and shall be adhered to by the owner or owners of the property and his successors in interest.

2. From time to time the Planning Commission shall compare the actual development accomplished with the approved development schedules.
3. If, in the opinion of the Planning Commission, the owner or owners of property are failing or have failed to meet the approved schedule, the Planning Commission may initiate proceedings to amend or revoke the approval of the development plan.
4. If the Tentative Subdivision Map is not filed one year after approved, the Planning Commission may forfeit the approved allocations to the next project on the list.
5. If the Planning Commission determines that a proposed Development Plan will require multi-year allocation to complete, each year of the development schedule shall be approved for a stated number and type of residential units.
6. Tentative Subdivision Maps will not be accepted until the Planning Commission has approved the Development Plan and Development Schedule and allocated the number of units either on a single-year or multi-year basis. The City may require individual tentative maps for each year's phasing of multi-year allocations.

C. Applications for Allocation: Time.

1. The application period for allocation of residential units in the City shall open July 1 and close October 1 of each year.

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2. The City shall make a Determination of Completeness by November 1 of the same year.

3. An Initial Study under the California Environmental Quality Act shall be completed and a preliminary point score evaluation of the project, utilizing the criteria adopted by Council resolution hereunder, shall be done by the City no later than December 1.

4. On or before the following March 1, a Draft Environmental Impact Report (if required) shall be completed.

5. The period for public review/comment on the Draft Environmental Impact Report shall end April 15 and the final Environmental Impact Report completed by May 1.

6. The Planning Commission and City Council shall thereafter, not later than July 1, conduct all necessary public hearings and reviews of the proposed projects, and shall approve or deny such proposals.

7. Based on such hearings/reviews and by reference to the point system evaluation described in this Chapter, the City Council shall, not later than September 30, allocate approvals of residential units. Thereafter, applicant shall submit a tentative map for a project, utilizing the number of allocated units awarded for each year.

Dated: September 4, 1991

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I hereby certify that Resolution No. 91-171 was passed and adopted by the Lodi City Council in a regular meeting held September 4, 1991 by the following vote:

Ayes: Council Members - Pennino, Pinkerton, Sieglock, Snider and Hinchman (Mayor)

Noes: Council Members - None

Absent: Council Members - None


Alice M. Reimche
City Clerk

91-171

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2003-2009 HOUSING ELEMENT

CITY OF LODI



EXHIBIT B

Site Plan and Architectural Review is facilitated by the Site Plan and Architectural Approval Committee, which was established to assist the Planning Commission in reviewing site plans and architectural drawings. Four of the five members are appointed by the Mayor, while the fifth member is the Vice-Chair of the Planning Commission. The decision issued by the Site Plan and Architectural Review Committee is appealable to the City Planning Commission. The City's Planning Commission is the final regulatory authority that issues decisions on most developments within the City.

Applicants are required to submit the following information to the City for Committee review:

- Siting of structures so as to preserve light and air on adjoining properties;
- Landscaping and/or fencing of yards and setback area, use of landscaping and/or wall or fencing for screening purposes;
- Design of ingress and egress;
- Off-street parking and loading facilities;
- Drawings or sketches of the exterior elevations; and
- Designation of location of existing fire hydrants.

These requirements are relatively easy to meet and do not add significantly to the cost or time required for site plan review.

The Committee may approve, disapprove, or conditionally approve a project subject to compliance with modifications or conditions it deems necessary to comply with the City's zoning code standards. The Committee has up to 21 days to make a decision. Upon approval of submitted plans, or at the expiration of twenty-one days, the City issues building permit, provided that all building code requirements have been met and the applicant does not need a use permit (which triggers Planning Commission review).

The Committee's decision may be appealed to the Planning Commission. Appeals must be filed within five working days of the Committee's decision.

Project Approval Timeframes

A typical residential subdivision takes approximately four to five months to be approved through the required steps of the development plan review process. If the project is subject to compliance with the California Environmental Quality Act, an additional four to five months may be required to obtain all necessary project approvals.

Development of multifamily housing units is subject to review by the Site Plan and Architecture Approval Committee. It takes approximately eight weeks to complete staff review before the development can be submitted to the committee. Smaller developments in the City such as one single family home or two- to four-unit multifamily structures are only required to obtain building permits, which takes significantly less of time than the site plan and architectural review process.

A constraint unique to Lodi is that development plans may only be submitted during the month of May, the deadline for obtaining a housing units allocation under the City's growth management process. If the deadline is missed, projects have to wait another year before submitting applications and the review process can begin again. The City could mitigate this constraint by providing a

process whereby allocations could be approved at least semi-annually or quarterly during years when the number of allocations that can be granted are not exhausted in May.

Table III-10: Development Approval Timeframes

Development Permit/Review Process	Time Frame
Administrative Deviation	2-3 weeks
Use Permit	4 weeks
Tentative Tract Map	4 weeks
Development Plan Review	4-5 months
General Plan Amendment/Rezone	6 weeks
Environmental Review (EIR)	5 months
Appeal to Planning Commission	4 weeks
Appeal to City Council	4 weeks

Source: City of Lodi, 2003

A typical single-family development will require a residential allocation, tentative and final tract map, environmental review (Negative Declaration or EIR), Planning Commission review, City Council review (if a Planning Commission decision is appealed), and construction permits (building, grading, etc.). From start to finish, the process will typically take six to 12 months. A large or complex project, particularly one triggering state or federal environmental mandates, can take longer.

A typical multi-family project will require a residential allocation, use permit, environment review, development plan review, Planning Commission review, and City Council review (if a Planning Commission decision is appealed), and construction permits (building, grading, etc.). From start to finish, the process will typically take six to nine months. A large or complex project, particularly one triggering state or federal environmental mandates or an EIR, can take longer.

For developers knowledgeable of the City's residential permit allocation process, the annual process (once per year in May) does not present a serious time constraint or delay because such developers plan their applications submittals to the City to account for the timing of the allocation, and the development plan review occurs as part of the allocation process.

Use Permits

Chapter 17.72 of Lodi's Zoning Ordinance includes regulations and standards related to the granting of use permits. All developments requiring use permits are subject to the same review process, regardless of use. Residential uses required to obtain use permits in Lodi, depending on the zoning district (see Table X-1), include second units, family care homes, rest homes, convalescent homes, and mobile home/travel trailer parks.

Use permits are approved by the City's Planning Commission. The Commission must find that the proposed use will not be detrimental to the health, morals, comfort, or welfare of the citizens of the immediate, surrounding neighborhood and the City in general. These standards are typical

RESOLUTION NO. 2006-141

A RESOLUTION OF THE LODI CITY COUNCIL AFFIRMING MAY 31 AS
THE CLOSING DATE FOR FILING APPLICATIONS FOR RESIDENTIAL
ALLOCATIONS FOR THE 2006 YEAR UNDER THE LODI GROWTH
MANAGEMENT ORDINANCE

WHEREAS, the Lodi City Council established the opening and closing dates for Growth Management Allocation Applications in 1991 by adopting Resolution 91-171 (Exhibit A); and

WHEREAS, Resolution 91-171 provides that applications may not be filed until July 1 of each year and that the application period closes on October 1 of each year; and

WHEREAS, subsequent to the passage of Resolution 91-171, former City staff working with the development community established a new timeline for filing growth management applications, moving the closing date up to May 31; and

WHEREAS, this new process was never codified in a new Council resolution, instead being imposed solely at the staff level upon staff authority; and

WHEREAS, Resolution 91-171 also sets a number of other follow-up deadlines to the growth management allocation process; and

WHEREAS, Council desires in this one year to honor the expectations of applicants.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby modify Resolution 91-171 as follows: 1) establishes that the time to submit applications for growth management allocations for the 2006 year shall be May 31, 2) directs that staff shall begin processing applications consistent with past practice, and 3) hereby directs staff to work with the development community to establish a new timeline for the year 2007 and forward for Council approval.

Dated: July 19, 2006

I hereby certify that Resolution No. 2006-141 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 19, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Johnson, and Mounce
NOES: COUNCIL MEMBERS – Hansen and Mayor Hitchcock
ABSENT: COUNCIL MEMBERS – None
ABSTAIN: COUNCIL MEMBERS – None


JENNIFER M. PERRIN
Interim City Clerk

RESOLUTION NO. 91-171

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ESTABLISHING GUIDELINES, CONTENTS, AND TIME FRAMES
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Noes: Council Members - None

Absent: Council Members - None


Alice M. Reimche
City Clerk

91-171

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